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Before the  
Federal Communications Commission  
Washington, DC

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Federal Communications Commission  
Office of Secretary

In the Matter of

Amendment of Section 202(b)  
Table of Allotments  
FM Broadcast Station  
(Lake Charles, Louisiana and  
West Orange, Texas)

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MB Docket No. 04-378  
RM-11079

To: Office of the Secretary  
Attn: Assistant Chief, Audio Division  
Media Bureau

WITHDRAWAL OF PETITION FOR RULEMAKING

Apex Broadcasting, Inc. ("Apex"), licensee of KBXG(FM), Lake Charles, Louisiana, through its undersigned counsel, hereby respectfully withdraws the Petition for Rule Making (the "Petition") that it filed on May 24, 2004. In support hereof, Apex states as follows:

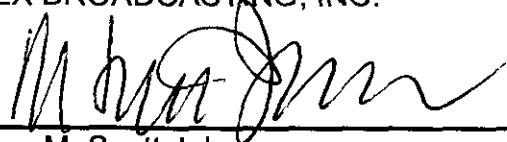
The Petition proposed the reallocation of Channel 258CO from Lake Charles, Louisiana to West Orange, Texas and the modification of Petitioner's Station KBXG's construction permit accordingly. On September 27, 2004, the Commission issued a Notice of Proposed Rulemaking proposing the above-referenced changes.<sup>1</sup> Apex has determined that it is no longer interested in pursuing the changes set forth in the proposal.

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<sup>1</sup> Notice of Proposed Rulemaking, DA 04-3056, released September 27, 2004.

Accordingly, through this filing, Apex respectfully requests that the proposal be formally withdrawn, that no actions be taken in response to the Notice of Proposed Rulemaking, and that Channel 258CO remain allotted to Lake Charles, Louisiana. A declaration of G. Dean Pearce, an officer of Apex, is attached to this Withdrawal of Petition For Rulemaking. Mr. Pearce's Declaration reflects that no person or entity has paid nor promised Apex any consideration and Apex itself has neither paid nor promised any consideration in connection with this matter.

Respectfully submitted,  
APEX BROADCASTING, INC.



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By: M. Scott Johnson  
Fletcher, Heald & Hildreth PLC  
1300 N. 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209-3801  
(703) 812-474

Its Counsel

Dated: October 1, 2004

**DECLARATION OF G. DEAN PEARCE**

I, G. Dean Pearce, hereby declare and say:

I am President of Apex Broadcasting, Inc. ("Apex"), the licensee of Radio Station KBXG(FM) Lake Charles, Louisiana.

Apex, the proponent of the allotment proposed in the Notice<sup>1</sup>, has decided to withdraw its Petition For Rule Making as to the proposed allotment. This declaration is attached to Apex's request for withdrawal.

No person or entity has paid or promised any consideration to Apex in connection with Apex's withdrawal, nor has Apex or its principals paid or promised any consideration in connection with the withdrawal.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 1, 2004.

By: 

G. Dean Pearce  
President  
Apex Broadcasting, Inc.

<sup>1</sup> In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast stations (Lake Charles, Louisiana), Notice of Proposed Rule Making, DA 04-3056, released September 27, 2004 (Notice).

**CERTIFICATE OF SERVICE**

I, Evelyn Thompson, a secretary at Fletcher, Heald & Hildreth PLC, hereby certify that a true and correct copy of the foregoing "Withdrawal of Petition for Rulemaking" was sent on this 1<sup>st</sup> day of October, 2004, via First-Class United States mail, postage pre-paid, to the following:

Dean Pearce  
Bedford Office Park  
1800 McFarland Blvd. N #100  
Tuscaloosa, AL 35406

  
Evelyn Thompson